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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,578	09/14/2000	Gina C. Eubanks	SONY-50P3806	9174

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,578

Applicant(s)

EUBANKS, GINA C.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/22/2005 has been entered. Claims 1-30 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al., US pat. No.6,341,353 in view of Philyaw et al., U.S. pat. No.6,836,799.

As to claim 1, Herman discloses a computer-implemented method for facilitating a transaction between a subscriber (30 fig.2) and a vendor (70 fig.2) through an intermediary (Broker 40 fig.2), said method comprising the steps of:

receiving at said intermediary (40 fig.2) personal information from said subscriber to establish a user account and storing said personal information for subsequent access (using a registration form to identify user information, see fig.2, col.3 line 55 to col.4 line 38 and col.6 lines 2-31).

receiving at said intermediary a request from said subscriber to access (customer access) said user account, whereupon said subscriber's identity is verified by said intermediary against said personal information (validating users, see col.6 lines 32-63).

responsive to successful verification of said subscriber's identity (determining if the transaction of user is valid), said intermediary conducting a transaction with said vendor on behalf of said subscriber pursuant to said subscriber's instruction, wherein said transaction is conducted utilizing information about said intermediary and notifying said subscriber upon completion of said transaction (issuing an OK or a rejection, see col.6 line 64 to col.7 line 67).

Herman does not specifically disclose a transaction is completed without disclosing personal information about a subscriber to a vendor. However, Philyaw discloses a transaction is completed without disclosing personal information about a subscriber to a vendor [transmitting user ID (1304 fig.13) associated with a user to other network server/device instead of user information, see fig.13, col.12 line 27 to col.13 line 21 and col.14 lines 13-62). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Philyaw's teachings into the computer system of Herman to monitor user interactions in the network because it would have allowed a network administrator/manufacture to place an advertisement in magazine or to place a product on a shelf at a particular time and to obtain users' demographics information in a relatively short time.

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As to claim 2, Herman discloses preparing an account activity statement for said subscriber, wherein said account activity statement includes information about transactions completed through said user account during a statement period (see fig.7, col.8 line 19 to col.9 line 58).

As to claim 3, Herman discloses receiving at said intermediary an item ordered from said vendor on behalf of said subscriber pursuant to said subscriber's instruction and billing said subscriber for services (processing customers' ID products) rendered (see fig.7, col.9 line 21 to col.10 line 54 and col.23 line 31 to col.24 line 53).

As to claims 4 and 5, Herman discloses notifying said subscriber upon receipt of said item and holding said item for pick-up by said subscriber and shipping said item to said subscriber specifying payment and shipping information (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

As to claims 6 and 7, Herman discloses receiving at said intermediary a post-delivery request from said subscriber, said post-delivery request relating to said item and handling said post-delivery request on behalf of said subscriber and consisting of a return request, a repair request, an exchange request, a warranty submission request and a rebate request (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

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As to claim 8, Herman discloses maintaining at said intermediary rating information about said vendor and providing said rating information to said subscriber (see fig.19, col.43 line 4 to col.44 line 64 and col.46 lines 11-60).

As to claims 9 and 10, Herman discloses providing purchase financing to said subscriber in said transaction over the Internet (60 fig.2) (see fig.2, col.4 lines 7-61).

Claims 11-20 are rejected for the same reasons set forth in claims 1-10 respectively.

Claims 21-28 are rejected for the same reasons set forth in claims 1-7 and 10 respectively.

As to claim 29 and 30, Herman discloses transaction comprising of purchasing an item and a financial transaction (see col.17 lines 24-64 and col.46 lines 11-60).

Response to Arguments

4. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Claims 1-30 are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-

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3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Patent Examiner
Art Unit 2151
5/12/2005